

REMARKS/ARGUMENTS

Applicants thank the Examiner for his careful review of this application. Claims 1-8 and 10-20 have been rejected. Claim 9 has been objected to but would be allowable if rewritten in independent form. Claim 3 has been amended. Applicants respectfully request reconsideration of the application in view of the above amendment and the following remarks submitted in support thereof.

Rejections under 35 U.S.C. §112, second paragraph:

The Examiner has rejected claims 3-5 under 35 U.S.C. §112, second paragraph because there is insufficient antecedent basis for the limitation "polishing pad." Although the Applicants believe that appropriate wording is provided, the Applicants have amended claim 3 to correct the typographical mistake in order to more clearly define the claim. Accordingly, withdrawal of this rejection is respectfully requested.

Rejections under 35 U.S.C. §102(e) or 35 U.S.C. §103(a) regarding claims 10-16:

The Examiner has rejected claims 10-16 either under 35 U.S.C. §102(e) or 35 U.S.C. §103(a). However, in response to a Restriction Requirement dated April 10, 2003 by Examiner Vinh Lan, Applicants submitted a response dated May 8, 2003 electing, without traverse, claims 1-9 and 17-20 for prosecution. Since Applicants withdrew claims 10-16 from prosecution, Applicants respectfully request the Examiner to withdraw the 35 U.S.C. §102(e) and 35 U.S.C. §103(a) rejections for claims 10-16.

Rejections under 35 U.S.C. §102(e) regarding claims 1, 2, 6, 7, 17, and 19:

The Examiner has rejected claims 1, 2, 6, 7, 17, and 19 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,358,118 to Boehm et al. For the reasons put forth

below, Applicants respectfully assert that Boehm et al. fail to identically disclose each and every element of the claimed invention, as defined in independent claims 1 and 17.

Independent claims 1 and 17 define apparatuses for chemical mechanical planarization (CMP). In particular, independent claims 1 and 17 define a pad support capable of differentially flexing a polishing membrane. In support of the 35 U.S.C. §102(e) rejection, the Examiner noted that Boehm et al. disclose a pad support capable of differentially flexing a polishing membrane. Applicants respectfully traverse the Examiner's characterization in this regard because the Abstract portion of the reference relied upon by the Examiner does not teach the pad support capable of differentially flexing the polishing membrane. In particular, Boehm et al. disclose a polish pad supported by a flexible bladder containing a magnetic fluid (Abstract; col. 2, lines 1-3, 42-44, and 64). Coils are positioned below the flexible bladder and serve as flux guides to direct an electric field to selected locations of the flexible bladder (col. 3, lines 9-13). The electric field changes the viscosity of the magnetic fluid in selected portions of the flexible bladder and, as a result, the electric field "can generate many desired pressure profiles in support of the underside of the belt" (col. 3, lines 9-32). Thus, Boehm et al. disclose using coils to essentially flex the flexible bladder to create various pressure profiles.

In contrast, independent claims 1 and 17 define differentially flexing the polishing membrane. Since the portion of the reference relied upon by the Examiner discloses flexing the flexible bladder and not the polish pad, Boehm et al. cannot reasonably be considered to disclose or suggest to one having ordinary skill in the art differentially flexing a polishing membrane as defined in independent claims 1 and 17.

As Boehm et al. fail to teach each and every element of the claimed invention, the Applicants respectfully submit that independent claims 1 and 17 are patentable under 35

U.S.C. § 102(e) over Boehm et al. Further, dependent claims 2, 6, 7, and 19, each of which directly or indirectly depends from independent claims 1 and 17 are submitted to be patentable under 35 U.S.C. § 102(e) over Boehm et al. for the reasons set forth above. As a result, Applicants respectfully request the Examiner to withdraw the 35 U.S.C. §102(e) rejection for claims 1, 2, 6, 7, 17, and 19.

Rejections under 35 U.S.C. §103(a) regarding claims 3-5, 8, and 18:

Applicants respectfully requests reconsideration of the rejection of dependent claims 3-5, 8, and 18 under 35 U.S.C. §103(a) as being unpatentable over Boehm et al. in view of U.S. Patent No. 6,579,157 to Gotkis et al. and U.S. Patent No. 6,475,332 to Boyd et al. As discussed above, since Boehm et al. fail to teach each and every element of independent claims 1 and 17, the combination of Boehm et al. in view of Gotkis et al. and Boyd et al. fails to teach or suggest all the claim limitations of dependent claims 3-5, 8, and 18 that depend directly or indirectly from independent claims 1 and 17. As such, the combination of Boehm et al. in view of Gotkis et al. and Boyd et al. does not raise a *prima facie* case of obviousness against dependent claims 3-5, 8, and 18. Thus, Applicants respectfully request the Examiner to withdraw the 35 U.S.C. §103(a) rejection for claims 3-5, 8, and 18.

Rejection of claim 20

The Examiner has rejected claim 20 but did not specify the basis for the rejection. If the Examiner rejected dependent claim 20 under the same rationale as similar dependent claims 8 and 9, then the Applicants respectfully request the Examiner to withdraw the rejection for the same reasons discussed above for claims 8 and 9. Otherwise, Applicants request the Examiner to provide a basis for the rejection.

Conclusion

In view of the foregoing, the Applicants respectfully submit that all the pending claims 1-9 and 17-20 are in condition for allowance. Accordingly, a Notice of Allowance is respectfully requested. If the Examiner has any questions concerning the present Amendment, the Examiner is requested to contact the undersigned at (408) 749-6900 ext. 6924. If any additional fees are due in connection with filing this Amendment, the Commissioner is also authorized to charge Deposit Account No. 50-0805 (Order No. LAM2P314). A duplicate copy of the transmittal is enclosed for this purpose.

Respectfully submitted,
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